

Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

BOARD OF TRUSTEES OF THE
GLASSWORKERS AND INDUSTRY
HEALTH & SECURITY TRUST FUND,
GLAZIERS RETIREMENT TRUST
FUND, AND PUGET SOUND
NORTHWEST GLAZIERS AND
GLASSWORKERS APPRENTICESHIP
AND TRAINING TRUST (hereafter
referred to as the Trust Funds),

Plaintiffs,

vs.

FIGUEROA GLASS & ERECTION,
INC., a Washington corporation (hereafter
referred to as the "Employer");
SWINERTON BUILDERS
NORTHWEST, INC. (hereafter referred to
as the "General Contractor"); FIDELITY
AND DEPOSIT COMPANY OF
MARYLAND, Bond No. 08419622 and
08419632, UNITED STATES FIDELITY
AND GUARANTY COMPANY, Bond
Nos. SW3324 and SW33242, LIBERTY
MUTUAL INSURANCE COMPANY,
Bond Nos. 070-000-367 and 070-000-393
(hereafter referred to as the Sureties); and
HIGHLINE PUBLIC SCHOOLS,

Defendants.

NO. CV 06-1542 RSM

**DEFAULT JUDGMENT
AGAINST FIGUEROA GLASS
AND ERECTION, INC.**

DEFAULT JUDGMENT AGAINST
FIGUEROA GLASS & ERECTION, INC. - 1

McKENZIE ROTHWELL BARLOW
& KORPI, P.S.
500 UNION STREET, SUITE 700
SEATTLE, WA 98101
(206) 224-9900

JUDGMENT SUMMARY

Judgment Creditors: Board of Trustees of the Glassworkers
And Industry Health & Security Trust
Fund, Glaziers Retirement Trust Fund,
and Puget Sound Northwest Glaziers
and Glassworkers Apprenticeship and
Training Trust

Judgment Debtor: Figueroa Glass & Erection, Inc.

Principal Judgment Amount:	\$ 11,109.65
Attorneys' Fees:	3,964.50
Cost (filing fee, service fees, and audit fee)	<u>6,328.80</u>

TOTAL: \$ 21,402.95

Principal Judgment Amount Shall Bear Interest at 12% per annum.

Attorney fees, costs and other recovery amounts shall bear interest at 12% per annum.

Attorney for Judgment Creditors: Michael H. Korpi, WSBA #12711
MCKENZIE ROTHWELL BARLOW
& KORPI, P.S.

Attorney for Judgment Debtor: NONE

This is an action for breach of a collective bargaining agreement. In accordance with plaintiffs' motion, the Court having considered the pleadings, documents and declarations on file, finds as follows:

FINDINGS OF FACT

1. The Court, having considered the declaration of Kyle S. Whittemore, Compliance Senior Manager of Lindquist, LLP; declaration of Chad Smith, Business Representative of Local Union No. 188; and on the subjoined declaration of Michael H. Korpi of McKenzie Rothwell Barlow & Korpi, P.S., plaintiffs' attorney concludes that

1 said declarations are accurate.

2 2. The Court concludes that an Order of Default was entered on January 26,
3 2007, adjudging the defendant, Figueroa Glass & Erection, Inc., to be in default.

4 3. The Court finds that \$1,210.52 balance in unpaid contributions, \$4,010.78
5 in liquidated damages, and \$5,888.35 in interest (calculated through September 20,
6 2007) are due and owing on the hours worked on the Madrona, Gregory Heights, Foss,
7 and White Center projects for the audit period of July 29, 2004 through September 30,
8 2004.

9 4. The Court finds that \$6,328.80 in costs, including filing, service, and audit
10 fees, were incurred in this action and are recoverable under the agreements.

11 6. The Court finds that a reasonable attorneys' fee for work done from
12 November 6, 2006 through September 20, 2007 is \$3,964.50.

13 7. The Court hereby finds that plaintiffs are entitled to a default judgment
14 against the defendant, Figueroa Glass & Erection, Inc., in the following amounts for the
15 for the audit period of July 29, 2004 through September 30, 2004:

18	Contributions (Balance):	\$ 1,210.52
19	Liquidated Damages:	4,010.78
20	Interest:	5,888.35
21	Costs (for filing, service, and audit fees):	6,328.80
22	Attorney's Fees	<u>3,964.50</u>
23	TOTAL:	<u>\$21,402.95</u>

24 CONCLUSIONS OF LAW:

25 8. The Court finds that the plaintiffs are entitled to default judgment against
the defendant, Figueroa Glass & Erection, Inc. in the amount of \$21,402.95 as a

1 matter of law.

2 JUDGMENT

3 9. It is ORDERED, ADJUDGED and DECREED that a default judgment be
4 entered against Figueroa Glass & Erection, Inc., consistent with the Findings of Fact and
5 Conclusions of Law.

6 DATED this 12th day of October, 2007.

7
8
9
10 

11 RICARDO S. MARTINEZ
12 UNITED STATES DISTRICT JUDGE

13 Presented by:

14
15 /s/ Michael H. Korpi

16 Michael H. Korpi, WSBA #12711
17 MCKENZIE ROTHWELL BARLOW
18 & KORPI, P.S.
19 Attorneys for Plaintiffs
20
21
22
23
24
25